

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SARA LOLLEY,)
)
Plaintiff,)
)
v.) Case No. 4:11CV218 RWS
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This matter is before the Court for judicial review of the final decision of Defendant Michael J. Astrue, the Commissioner of Social Security, denying Plaintiff Sara Lolley's application for disability insurance benefits and social security benefits. Astrue has filed a motion to remand because the recording of the administrative hearing cannot be located, thereby precluding the preparation of the administrative record. Upon remand, the Appeals Council will review materials submitted by Lolley's representative and, depending on the completeness of those materials, either prepare a certified administrative record or reconstruct the administrative record.

Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Thomas C. Mummert, III who filed his Report and Recommendation on April 11, 2011. Judge Mummert recommended that this case should be remanded under sentence six of 42 U.S.C. § 405(g) for further proceedings. Lolley does not object to Judge Mummert's recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge Thomas C. Mummert, III [#11] is **SUSTAINED, ADOPTED AND INCORPORATED** herein.

IT IS FURTHER ORDERED that, pursuant to sentence six of 42 U.S.C. § 405(g), the case is **REMANDED** for further proceedings in accordance with the Report and Recommendation.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 13th day of April, 2011.